

## **REGULAR MEETING AGENDA**

Wednesday, April 8, 2015     7:45 P.M.  
Auditorium  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

### **OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

**The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

### **CONTINUATION OF PUBLIC HEARINGS**

#### **CALENDAR NO. 14-2015**

Opened on March 11, 2015 and continued to tonight, April 8, 2015. The previously seated ZBA members for this request are Vic Capellupo, Mike Nedder, Gary Greene, Jeff

Williams, and Ruth Anne Ramsey. Chuck Deluca has reviewed the application materials, the tape recording of the March 11<sup>th</sup> segment of the hearing, and the submitted documents in order to be fully informed of this request and to be prepared to sit on this application. This hearing must be concluded by April 15<sup>th</sup> (within 35 days after its March 11<sup>th</sup> opening). Therefore if the ZBA determines to continue this hearing further the applicant would have to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until the next scheduled meeting on May 13, 2015.

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of PAG Connecticut LR1, LLC submitted on February 11, 2015 for variances and interpretations of Sections 926 and 923 of the Darien Zoning Regulations; to allow the installation of wall signs with logos and lighting, the installation of vehicle display areas, and the construction of colored pylon wall additions; Sections 926 and 923: installation of four in lieu of two maximum wall signs; installation of 93.16 in lieu of 41.28 square feet maximum allowable front wall signage; installation of wall signs extending to 23'-5" and 23'-11½" in lieu of 15' maximum allowable height above ground level; 2'-6 3/8" in lieu of 10" maximum height Jaguar leaper logo; 11½" in lieu of 10" maximum height "Land Rover" letters; the installation of two side wall "Darien" signs where none are permitted; internal LED sign illumination where none is permitted; and/or interpretations that halo lit "Darien" signs, colored pylon wall additions, and special vehicle display areas are permitted under the Regulations. The property is situated on the northwest corner of the intersection formed by Boston Post Road and Thorndal Circle and is shown on Assessor's Map #39 as Lot#19, being 1335 Boston Post Road and located in the SB (Service Business – commercial) Zone.

### **CALENDAR NO. 1-2015**

Opened on January 14, 2015 and immediately continued to February 11, 2015 at the applicant's request. Reopened on February 11, 2015 and immediately continued to March 11, 2015 at the applicant's request. Reopened on March 11, 2015 and immediately continued to tonight April 8, 2015 at the applicant's request. Since no testimony, comment, or additional information was provided to the ZBA at the previous meetings, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by April 24, 2015 (within 100 days after its January 14<sup>th</sup> opening). However, the next scheduled regular ZBA meeting is May 13, 2015.

The application of Kathleen Willcox submitted on December 5, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of second story dormers and a deck for additional living/studio/office space in a non-conforming garage structure; Section 406: enlargements of a structure 8.4 in lieu of 10.0 feet minimum required northeast side yard setback. The property is situated on the southeast side of West Avenue approximately 450 feet southwest of the intersection of Stony Brook Road

and is shown on Assessor's Map #39 as Lot #93, being 117 West Avenue and located in an R-1/3 (residential) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 16-2015**

**POSTPONED TO MAY 13**

The application of Matt & Lucia Zachowski submitted on February 17, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story attached utility closet/shed addition; Section 406: 17.0 in lieu of 25.0 feet minimum required north side yard setback; 18.5 in lieu of 40.0 feet minimum required front yard setback and 38.3 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River Road. The property is located on the west side of Goodwives River Road approximately 300 feet north of the intersection with Sunswyck Road and is shown on Assessor's Map #49 as Lot #5, being 71 Goodwives River Road and located in an R-1 (residential) Zone.

### **CALENDAR NO. 17-2015**

The application of Beth Harrington-Howes and Beth Harrington-Howes, LLC on behalf of Tucker E. & Meredith V. Martin submitted on March 6, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition and the installation of HVAC equipment; Section 406: 16.0 in lieu of 25.0 minimum feet required Leroy Avenue front yard setback and 37.2 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Leroy Avenue; 1.0 in lieu of 25.0 minimum feet required Shadbush Lane front yard setback and 31.1 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Shadbush Lane for the addition; 0.0 in lieu of 25.0 minimum feet required Shadbush Lane front yard setback and 25.0 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Shadbush Lane for the HVAC equipment; and construction of additional building volume on a lot with 44.25 in lieu of 20.0% maximum allowable building coverage. The property is situated on the southwest corner of the intersection of Shadbush Lane and Leroy Avenue and is shown on Assessor's Map #18 as Lot #15, being 89 Leroy Avenue and located in an R-1/5 (residential) Zone.

### **CALENDAR NO. 18-2015**

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Equity One, LLC submitted on March 11, 2015 for variances of Sections 381-387 as necessary of the Darien Zoning Regulations; an amendment of the approved plans and stipulations of prior variances as necessary; and an amendment of the settlement

agreement for Calendar Nos. 25-1994 and 41-1994 as necessary; to allow construction of additional Trader Joe's space in existing Orvis space; Sections 381-387: 2,564 square foot expansion of a non-conforming use; and amendments to permit Trader Joe's to offer up to 3,575 SKU's, to allow approximately 20 employees on site at one time, and to allow up to 286 customers in the store (per local fire safety code). The subject property is located on the southeast corner of the intersection of Boston Post Road and Old King's Highway North and is shown on Assessor's Map #35 as Lot #1, being 430 Boston Post Road and located in an DB-2 (Designed Business Two – commercial) Zone.

## **DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

## **OTHER BUSINESS**

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Requested six month extension, received April 1, 2015, to obtain all required permits and begin on-site construction for ZBA Calendar No. 43-2014, Julie & Jack Hekker, 85 Goodwives River Road. The Public Hearing of this matter was October 15, 2014. Initial ZBA approval expires on April 24, 2015.
2. Approval of Minutes of meeting on March 11, 2015. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, and Ruth Anne Ramsey.
3. Possible extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 32-2014, PR Partnership, LLC dba Giovanni's – Water's Edge, 2748 Boston Post Road. The Public Hearing of this matter was July 16, 2014 and the deliberation concluded September 17, 2014. Initial ZBA approval would have expired on March 25, 2015 and may be extended upon settlement of litigation.

4. Possible extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 25-2014, Standard Realty, LLC, dba Valero, 1927 Boston Post Road. The Public Hearing of this matter was July 16, 2014. Initial ZBA approval expired on January 25, 2015. The Planning and Zoning Commission held a two session Public Hearing regarding the project on July 29 and August 4, 2014. On September 9, 2014 the P&ZC approved the project with conditions including a one year implementation deadline of September 9, 2015.
5. Possible review of structure preservation plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.
6. Discussion of subcommittee work with a Planning and Zoning Commission subcommittee on recommended Zoning Regulation changes.
7. Discussion of Verrillo v. Branford ZBA Appellate Court decision.
8. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/ guidelines/ staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
9. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

## **ADJOURNMENT**